TAX CASE MUST BE ARGUED AGAIN Humphreys' Seventy-Seven

Supreme Court Orders Rehearing of R. F. & P. Franchise Appeal.

ANOTHER WRIT REFUSED

Clint Trent Must Serve Term for Killing Austrians.

Desiring that a full court hear the argument, the Supreme Court of Appeals yesterday morning decided listen again to the discussion of the case of the Commonwealth against the Richmond, Fredericksburg and Potomac Railroad, one of the most important cases now pending in the

which the case was submitted to the court, and it was decided to have a reargument at the March term. The caes was argued on January 5 by At torney-General William A. Anderson for the Commonwealth, and By Allen Caperton Braxton for the railroad.

Following this action, the court adjourned yesterday morning for the term. It will meet again on March 1.

The Richmond, Fredericksburg and Potomac case involves the right of the State Corporation Commission to assess that railroad for a franchise tax. Each year such a tax has been levied, the railroad contesting it, and levied, the railroad contesting it, and levied, the railroad contesting it, and levied, the railroad contesting it is now in Washington. It is said, will be issued to-mission, it is said, will be issued to-morrow.

The present case was used as a test, and was decided in the lower court in fayor of the road, mainly upon a provision in the Constitution of the United States.

The road rests its case upon the fact.

The road rests its case upon the fact in an other supprised that Mr. Smithers would not come to Richmond until February in an other supprised that Mr. Smithers would not come to Richmond until February in an other supprised that Mr. Smithers would not come to Richmond until February in the road rests its case upon the fact.

The Distinguishing Feature of Ozomulsion is its CURATIVE QUALITY, Which All Other emulsions Lack.

FOOD MEDICINE FOR THE

FOOD MEDICINE FOR THE HOME.

OZOMULSION is a Rich, Liquid Food—powerful as a Nutrient and Tissue Builder.

OZOMULSION is recommended for the Feeble and Emaciated, because it puts new blood into their veins.

OZOMULSION is recommended for Thin People, because it makes them plump or fat.

OZOMULSION is recommended for Puny, Sickly Babies, because it makes them grow into Strong, Vigorous Adults.

OZOMULSION is recommended for Puny, Sickly Babies, because it makes them grow into Strong, Vigorous Adults.

OZOMULSION is a Food Medicine that supplies all essentials necessary to preserve physical health. Physicians say to digest—easy to assimilate. These visit necessities make OZOMULSION the most VALUABLE SCIENTIFIC PREPARA.

TION of Cod Liver Oil ever Compounded.

Ozomulsion is known, recommended and sold by worthy druggists everywhere in 16-oz, and 8-oz, bottles.

Always ask for Ozomulsion by name. That all may experience for themselves.

Famous Remedy for Colds &

ache comes that feeling of lassitude and weakness, the first symptoms of the Grip. The use of "Seventy-seven" at this time will knock it out at once.

'Seventy-seven" breaks up hard, stubborn Colds that hang on.

Handy to carry. Fits the vest pocket. All druggists, 25c. Humphreys' Homeo. Medicine Co., Cor William and Ann Streets, New York.

To that end an order was entered setting aside the praylous order by which the case was submitted to the

Transfer of Marshal's Offive Will Become Effective Next Tuesday.

It was unofficially announced here yesterday morning that Charles G. Smithers, recently appointed United States Marshal for the Eastern Diatrict of Virginia, to succeed Morgan Troat, will assume charge of the office on Tuesday. Mr. Smithers, it is said, is now in Washington, where nis commission, it is said, will be issued tomorrow.

The question is or most important the property of the state, that it was complete the property of the state, that it was complete the property of the state, that it was complete the property of the state, that it was complete the property of the state, that it was complete the property of the state, that it was complete the property of the state, that it was complete the property of the state, that it was complete the property of the state of

Suit Instituted to Secure Distri-

bution of \$20,000 Among

Membership.



FRANK E. HERING, Grand Worthy President, Fraternal Order of Engles

The road rests its case upon the fact that it was exempt from taxation by its original charter, and the constitutional provision referred to is that no state has the power to make a law impairing the obligations of a contract.

Claims Forfelture.

It is the contention of the Attorney-general that the road has forfeited that exemption from taxation by accepting amendments to its charter at the hands of the Legislature.

At the hearing in January Judge John A. Buchanan, a member of the court, was absent in a hospital in Baltimore. He has now recovered, and will be in his seat at the March term. The question is of so much importance both to the railroad and to the ance both to the railroad and to the accepting of the State, that it was deemed best to have it heard by a full central that the first of the State, that it was deemed best to have it heard by a full central that the first of the State, that it was deemed best to have it heard by a full central that the first of the State, that it was deemed best to have it heard by a full central that the first of the State, that it was deemed best to have it heard by a full central that the first of the State, that it was deemed best to have it heard by a full central that the first of the State, that it was deemed best to have it heard by a full central that the first of the State debt, which Major the first of the State deb

VARIOUS FORMS

High Cost of Living Has Depressing Effect on Henry

Banks.

Made desperate by the rise in the cost of meat and hungry for a good Sunday dinner like the one his mother than the country schoolhouse, Henry Hanks, colored, helped himself, it is alleged on a warrant, to a big dressed chicken belong to H. E. Winston. But the provender never got to the Banks home and the waiting children, for the stern arm of the law fell heavily upon Banks's shoulders, and he went to the meagre fare of the Second Police Station.

"And this is what the high cost of livin' done for me,' he said as the steel door closed upon him, and he faced the gloomy prespect of the Police Court to-morrow morning.

It was different with Ananias Hicks and James Shaw, both white, the latter, but a boy of sixteen summers, for they are charged with breaking into a Chesapeake and Ohle Railroad car and stealing tharefrom four cases of Mellwood whiskey, consigned to some the prist Police Station, where nothing but water—and that in the cups and not seductive gobiets—is gerved through the iron grating.

And it seems from the warrant that John Kilrain, white, was afflicted with the helworm in a different manner.

Warn), Rogal Spirit" (Hoffman), Mrs. Murphy and Mr. Rueger, Oration, "Aims and objects of Our Order," Hon. Frank E. Hering, Grand J. Worthy President Fraternal Order of Eagles.

Soprano solo, "Jesus, Lover of My Soull' (Flotow), Mrs. John Murphy.

Trio, "Praise Ye the Lord" (Verdi), Mrs. Murphy, Messrs. Cunningham and Nrs. Murphy, Messrs. Cunningham and Governore, Oration, "Grand J. Worthy President Solution, Wire Murphy, Messrs. Cunningham and Governore, Oration, "Grand J. Worthy President, Frank W. Cunningham: Worthy Vice-President, John B. Billey: Worthy Vice-President, John B. Billey: Worthy Oranger.

Worthy President Praternal Objects of Oration, "Grank Wire April 1995, Worthy Vice-President John B. Billey: Worthy Vice-President John B. Billey: Worthy President, John W. Carmody.

Worthy President (trombers, Oration, Merson, John W. Carmody.

Wor

of Governor Mann.

Report to Be Formulated To-Day. Institutes for

Farmers.

Sacrificing his personal desires at the request of Governor-Elect Mann, Adjutant-General Charles J. Anderson has consented to remain in office until after the adjournment of the Genera Assembly, when Senator W. W. Sale will assume the office.

reappointment to the position, and anreappointment to the position, and announced that he would retire at the end of his term of office on February 1. The Governor-elect thereupon stated that he would appoint Senator Sale to the position. The latter, in justice to his constituents, who would otherwise be without representation, determined to remain in the State Senate until the end of the regislative session, until the end of the legislative session

until the end of the legislative session, and it has been stated that the duties of the office of Adjutant-General would be performed for six weeks by Major C. L. Wright, of Norfolk, the adjutant of the First Brigade of Virginia Volunteers.

However, Judge Mann, desiring the benefit of the long experience of General Anderson, wrote him a letter asking him to continue in office until Senator Sale was at liberty to assume it. General Anderson replied that he had made his arrangements to retire on February I, but that, as an old solder, he had too much respect for the wish of his commander-in-chief not to comply, even though at personal inconvenience.

Judge Mann is grateful to the Adjutant-General for this the distance of the state of the distance of the state of the distance of the state of the state

jutant-General for taking this post

Cleaning Up Office.

Governor Swanson and his secretaries have been as busy as bees during the past few days in gathering up the odds and ends of public business, and preparing the office for the coming of his successor. A large amount of routine matters has been disposed of, and by to-morrow night there will be little on the docket, excepting such matters as have been purposely dematters as have been purposely de-ferred for the coming of the new

Gettysburg Monument.

The final report of the Gettysburg Monument Commission will be finished to-morrow and presented to the General Assembly. This commission was empowered by the last Legislature to secure a site and to select a design for a suitable monument to be effected on the battlefield of Gettysburg to the memory of the Virginia troops who participated in that conflict. The commission is headed by Governor Swanson, and as to-morrow is his last day

which the audience will unito in singing one verse of above hymn.

Baritone sole, "Rocked in the Cradle of the Deep" (Knight), H. C. Rueger.
Soprano sole, "Entreat Me Not to Leave Thee" (Gounod), Miss Lillian E. West.
Tenor sole, "One Sweetly Solemn Thought" (Ambrose), Frank W. Cunningham.
Overture, "The Lest Chord" (Sullivan), Bijou Orchestra (trombone obligato).
Duet, soprano and baritone, "I Feel Thy Angel Spirit" (Hoffman), Mrs.

Labor Bureau Upheld.

On an appeal, the case of G. Brooks Johnson, of Norfolk, for violation of labor laws, has been confirmed by the Corporation Court of the city of Norfolk. It was charged by the State Department of Labor that the Johnson knitting mill had been employing children younger than the legal limit. The case was worked up under the direction of Commissioner Doherty.

A conviction was secured in the Police Court, and the appeal was from that decision.

Looking for Fruit Farm.

A. F. McKay, of Columbus, O., called at the office of Commissioner Koiner, of the Department of Agriculture, yesterday. Mr. McKay is looking for a farm on which he can make a specialty of fruit growing.

Police Court Cases.

William Bryant, colored, was fined \$100 and placed under \$100 security for twelve months in Police Court yesterday morning on a charge of carrying a concealed weapon.

Charles Jones, colored, was sent to jail for fitteen days for stealing a lot of lead from A. Brown.

Sy Prosser, colored, was sent on to the grand jury on a charge of breaking into the home of Fred Walton and stealing therefrom a lot of clothing.

EAGLES' MEMORIAL ORATOR GENERAL AND ERSON Indigestion Remedy STAYS IN OFFICE To any victim of indigestion the offer is made that if he or she and address, a free sample of a remedy that is daily curing indigestion.

To any victim of indigestion the offer is made that if he or she will send name and address, a free sample of a remedy that is daily curing indigestion will be sent. This remedy is Dr. Caldwell's Syrup Pepsin. Instead of taking the advice of your irlends, or using lozenges, peppermints and such things, write for this free sample and Head of Militia Yields to Request see what that will do for you. There is no remedy that has been more successful in the cure of indigestion, sick headache, heartburn, etc., than this grand laxative tonic, because instead of being simply a breath perfume it goes to the root of the trouble, which is poor bowel movement, and cures that. Once the bowels are relieved the stomach has a better chance to do its work. Thousands in the past have accepted WILL DECIDE ON MONUMENT the offer of a free sample and later became steady users of Syrup Pepsin. All that Dr. Caldwell desires is that you allow him to prove to you, at his own expense, that his remedy will do as claimed. When you have used the sample and are convinced, you can buy a further supply of your druggist at fifty cents and one dollar a bottle, just as others are doing who once sent for a free sample. You will learn to abandon "dyspepsia cures" for indigestion and cathartic pills and salts for constipation, for Dr. Caldwell's Syrup Pepsin is a permanent cure, while these are but temporary reliefs. Here is a mild, pleasant, non-griping remedy that can be given to a child with perfect safety. In fact, it is especially adapted to children's ills. Read the many letters of recommendation that users have written for Syrup Pepsin, then try it yourself, and you will see that these claims are justified. Thousands of the best American families have Dr. Caldwell's Syrup Pepsin constantly in the house.

USE General Anderson declined to accept DR. CALDWELL'S SYRUP PEPSIN



Dr. W. B. Caldwell, Monticello, Ill.:

Your letter and sample at hand. Thought I would answer and tell you that it is the you that it is the thing I have been looking for.
I find it to be the best I was highly pleased with the sample sent me and wish other people who have stomach trouble would know about it. Should be pleased to distribute samples to others who are suffering with stomach troubles.—T. K. WELLER, 1314 Kittatinny St., Harrisburg, Pa.

medicine I have ever used. I am going to get my third bottle this week, as I would not be without it. I give it to my children all the time and it acts like magic, and will never be without it. I am thankful to you for it.—MRS, MARY BELFORD, 1710 Coke St., LOUISVILLE, KIttatinny St., Harrisburg, Pa.



Dr. Caldwell personally will be pleased to give you any medical advice you may desire for yourself or family pertaining to the stomach, liver or bowels, absolutely free of charge. Explain your case in a letter, and he will reply to you in detail. For the free sample simply send your name and address on a postal card or otherwise. For either request the doctor's address is Dr. W. B. Caldwell, R. 527 Caldwell Building, Monti-

Supreme Court Refuses Writ of Member of Corporation Commis-Error to Buchanan County Murderer.

wife and three children, and Mrs. Bet- day for Paris, where they have an county, a few months ago. Yestera writ of error was refused Little. He

is to die on February 11.

The murder of which Little stands convicted was one of the most horrible in the history of the State. If Little is the guilty man he deliberately murdered an entire family for the purpose of obtaining a sum of money with which to fly to the West with a woman with whom he was infatuated, deserting his own wife. However, it is striking that the man has a num-

ber of friends who are by no means powerless or insignificant, and it is likely that their resources are not as yet exhausted.

The attorney and friends of Little went to the penitentiary yesterday to apprise him of the decision of the court. He was at first much affected. But soon recovered his equanimity, and said he preferred death to a life sentence. He desires that his body be buried at his former home in No.

said he preferred death to a life sentence. He desires that his body be buried at his former home in McDowell county, W. Va.

In the petition for appeal the attorneys for Little set forth that prejudice might have entered to a large extent into the conviction of the man. The evidence, however, appeared convincing. The case was carefully worked up by detectives, assisted by local authorities.

In the absence of interference by the Governor, or of a fresh petition for appeal, Little has less than two weeks to live.

M., and Thursday, Grounds and Buildings, at 8 P. M.

Celebrate Anniversary
Increasing interest is being shown among Odd-Fellows on Church Hill in preparations to celebrate the twenty-such and the coefficient of the meeting, and the occasion will be enlivened with both and instrumental music.

Surprised Small Burglars.

While John Guldt, of Nageisman & Guid, grocers at 411 West Carry Street, the heard the noise of a breaking panel in the side door leading from Belvidere Street. He rushed to the door in time to see two small colored boys

WOULD SELL HIS MULE

Farmer Hears Police Department Needs
Power for Automobile.

Having been informed, he said, that the Police Department was in need of a strong, big-limbed mule for the service, a Hanover farmer called up Sergeant Otey, at the Second Station, last night, over the long distance telophone, and asked if he could make a saie.

"What kind of a mule is it?" asked Sergeant Otey. "Has he got four legs, and is he sound?"

"Yep," came the answer, "sound in every particular; sound as a dollar."

"How much do you want for him?"

"I want \$150. I'll take that, but really, he's worth more. They say you want one for your automobile, and I'll let you have him cheap."

"All right," replied Sergeant Otey. "Sand him in Monday morning, and I'll take a look at him. If I like him I'll take him and try him on the automobile. Hope he's a good one. Slong."

DISLOCATES SHOULDER

Mrs. Adelaide Glenn Seriously Injured by Failing Inte Concrete Gutter.
Mrs. Adelaide Glenn, whire on a visit to the home of Sergeant Charles A. Gibson, 2291 Hanover Avenue, Wednesday afternoon, stumbled and fell into a concrete gutter, and dislocated her shoulder, besides otherwise seriously injuring herself. She was picked up and carried into the house, and two physicians were called into attendance. She is still at Sergeant Gibson's home, and yesterday afternoon was said to be improving. She is more than seventy years of age.

Mrs. Blankenship Entertains.

Mrs. Robert M. Blankenship, of 510
East Franklin Street, entertained the
cast of the "New Crusade," the amateur play to be given for the Day
Nursery and Kindergarten, on last
Thursday.

and sold by worthy druggists everywhere in 16-oz, and 8-oz, bottles.

Always ask for Ozomulaion by name. That all may experience for themselves what this exclusive preparation will be sent by mail to all who send their address, by no send their address, by not send their address of the day of their address of the send their address of their address of the send their address of the s

sion Anxious for Safety of-His Family.

Executive elemency is now the only | Fearing for the safety of Mrs. hope of Howard Little, who is under Willard and her two daughters, Capsentence of death by electrocution for tain Joseph E. Willard, of the State the murder of George Meadows, his Corporation Commission, sailed yesterty Justis, in the mountains of Buchan- apartment on the edge of the flooded day in the Supreme court of appeals lard had been unable to hear from them, but on Friday received a cable.

them, but on Friday received a cable-gram from the American embassy ir, the French capital stating that Jirs, Wilard and her children were well, and that the raging waters of the Seine had not reached their residence on the Bois de Boulogne.

However, in consideration of the epidemic which has followed on the heels of the flood, Capitain Willard de-termined to go to Paris. He sailed on the Oceanic, after notifying the other members of the commission that he will be absent less than three weeks. will be absent less than three weeks

Surprised Small Burglars.

While John Guidt, of Nagelsman & Guidt, grocers at 411 West Cary Street, was closing his store Friday night, he heard the noise of a breaking panel in the side door leading from Belvidere Street. He rushed to the door in time to see two small colored boys disappear in the darkness. They were too far away to give pursuit, and, after mending the broken panel as best he could, he closed the store and went home. Nothing was tolen.

Sues Construction Company,
Suit was filed in the City Circuit
Court yesterday by T. F. Moore
against A. M. Wajkup and the Mankin
Construction Company for damages, to
the amount or \$1,500. No declaration
was filed. The suit is being brought
by Attorney Emmett Seaton.

Judge Homes Here.

Judge W. E. Homes, of Boydton, is n the city on legal business.

Schwarzschild Bros.

Wedding Gifts Sterling Silver Cut Glass

The attractive and appropriate gifts for this bridal season are being shown here in a variety of styles. No matter how elaborate or in

Diamonds

interesting. Solitaite Diamond Rings, \$25.00 o \$800.00.

Schwarzschild Bros.

Corner Broad and Second Sts.